

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

THOMAS EMIL SLIWINSKI,

Plaintiff,

vs.

JAMES SALMONSON, REGINALD
MICHAEL, PAUL REES, CINDY HINER,
CONNIE WINNER, and UNKNOWN
MEDICAL PERSONNEL,

Defendants.

CV-18-82-H-BMM-JTJ

ORDER

INTRODUCTION

Plaintiff Thomas Sliwinski (“Plaintiff”) initiated this action against the above-named Defendants on August 1, 2018. (Docs. 1, 2). The Court presently has the following three pending motions before it: (1) Defendants’ Motion for Summary Judgment (Doc. 64); (2) Defendants’ Supplemental Motion for Summary Judgment (Doc. 106); and (3) Plaintiff’s Motion for Temporary

Restraining Order and Preliminary Injunction (Doc. 120). United States Magistrate Judge John Johnston reviewed the motions and issued Findings and Recommendations on October 29, 2020. (Doc. 121). Judge Johnston found that res judicata bars Plaintiff's claims. *Id.* at 1. Judge Johnston recommended that this Court grant Defendants' Supplemental Motion for Summary Judgment (Doc. 106), deny all other pending motions, and dismiss this matter.

No party has filed objections to the Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Defendants' Supplemental Motion for Summary Judgment (Doc. 106) is **GRANTED**.

2. Defendants' original Motion for Summary Judgment (Doc. 64) is **DENIED** as **MOOT**.

3. Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 120) is **DENIED**.

4. The Clerk of Court is directed to enter judgment in favor of Defendants and close this matter.

5. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

Dated this 16th day of November, 2020.



Brian Morris, Chief District Judge
United States District Court